

**SENATE JOURNAL
66TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 19, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Esp excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/19/2019

Correctly printed: **SB 241, SB 335, SB 336, SB 337, SB 338, SB 339, SB 340, SR 17, SR 18, SR 19, SR 44, HB 98, HB 99, HB 155, HB 158, HB 212, HB 322, HB 323, HB 382, HB 388, HB 450, HB 619.**

Correctly enrolled: **SB 56, SB 57, SB 83, SB 91, SB 137, SR 32.**

Examined by the sponsor and found to be correct: **SB 56, SB 57, SB 91, SB 137, SR 32.**

Transmitted to the House: **SB 247, HB 29, HB 90, HB 205, HB 239, HB 326, HB 348, HB 370, HB 373.**

Signed by the Secretary of the Senate at 12:30 p.m., March 18, 2019: **SJ 12.**

Signed by the Secretary of the Senate at 12:35 p.m., March 18, 2019: **SR 33, SR 37.**

Signed by the Secretary of the Senate at 3:35 p.m., March 18, 2019: **SB 2, SB 58.**

Signed by the President at 6:15 p.m., March 18, 2019: **SJ 12.**

Signed by the President at 6:20 p.m., March 18, 2019: **SR 33, SR 37.**

Signed by the President at 6:30 p.m., March 18, 2019: **SB 2, SB 58.**

Signed by the Speaker at 9:30 a.m., March 19, 2019: **SB 2, SB 58, SJ 12.**

Delivered to the Secretary of State at 1:22 p.m., March 19, 2019: **SJ 12.**

Delivered to the Secretary of State at 2:36 p.m., March 19, 2019: **SR 33, SR 37.**

Delivered to the Governor at 2:45 p.m., March 19, 2019: **SB 2, SB 58.**

REPORTS OF STANDING COMMITTEES

TAXATION (Webb, Chair):

3/19/2019

SB 318, do pass.

HB 292, be concurred in.

HB 386, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/19/2019

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

SB 72, introduced by J. Sesso
SB 144, introduced by T. Jacobson
SB 207, introduced by T. Jacobson

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/19/2019

SB 46, introduced by J. Cohenour

Governor's amendments to Senate bill concurred in and returned to the Senate: 3/18/2019

SB 83, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 3/19/2019

HB 389, introduced by J. Krautter
HB 525, introduced by Z. Brown

House joint resolution passed and transmitted to the Senate for concurrence: 3/19/2019

HJ 10, introduced by A. Doane

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 341, introduced by M. Blasdel, K. Bogner, E. Buttrey, M. Cuffe, S. Fitzpatrick, P. Flowers, W. Galt, F. Garner, B. Gillespie, G. Hertz, M. Hopkins, D. Howard, T. Jacobson, D. Kary, K. Regier, M. Regier, S. Sales, D. Salomon, R. Shaw, D. Skees, C. Smith, F. Thomas, R. Webb, J. Welborn, D. Zolnikov, referred to Natural Resources.

SB 342, introduced by D. Howard, M. Blasdel, D. Brown, J. Ellsworth, S. Hinebauch, D. Kary, B. Keenan, M. Lang, A. Olszewski, K. Regier, D. Salomon, F. Thomas, G. Vance, R. Webb, referred to Taxation.

The following Senate joint resolution was introduced and read first time:

SJ 21, introduced by J. Ellis, B. Bennett, D. Brown, M. Cuffe, D. Kary, R. Osmundson, F. Smith, G. Vance.

The following Senate bills, previously introduced, were referred to committees:

SB 335, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SB 336, introduced by J. Ellis, M. MacDonald, referred to Energy and Telecommunications.

SB 337, introduced by J. Welborn, J. Cohenour, referred to Energy and Telecommunications.

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

SB 338, introduced by T. Gauthier, J. Cohenour, referred to Finance and Claims.

SB 339, introduced by J. Cohenour, referred to Taxation.

SB 340, introduced by R. Webb, E. Buttrey, J. Gross, B. Grubbs, B. Hoven, K. Kelker, M. MacDonald, M. McNally, T. Richmond, F. Thomas, J. Welborn, referred to Taxation.

The following House bills, previously introduced, were referred to committees:

HB 443, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.

HB 456, introduced by C. Pope, referred to Energy and Telecommunications.

HB 535, introduced by C. Pope, referred to Judiciary.

HB 550, introduced by A. Redfield, referred to Highways and Transportation.

HB 633, introduced by B. Hamlett, N. Ballance, D. Bedey, L. Jones, D. Salomon, referred to Finance and Claims.

HB 639, introduced by D. Bartel, B. Mercer, M. Noland, B. Tschida, referred to Finance and Claims.

The following House joint resolution, previously introduced, was referred to committee:

HJ 14, introduced by B. Hamlett, B. Brown, Z. Brown, J. Cohenour, C. Glimm, W. Sales, J. Welborn, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 192 - Senator Sands moved **HB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 238 - Majority Leader Thomas moved consideration of **HB 238** be passed for the day.
Without objection, so ordered.

HB 290 - Senator C. Smith moved **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 21

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 383 - Senator Gillespie moved **HB 383** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 40

Nays: Boland, Cohenour, Gross, Jacobson, Malek, McClafferty, Phillips, Pomnichowski, Sesso.

Total 9

Paired: None.

Excused: Esp.

Total 1

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Absent or not voting: None.

Total 0

HB 137 - Senator Bennett moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 45

Nays: Fielder, Howard, Lang, Regier.

Total 4

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 164 - Senator Kary moved **HB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber.

Total 39

Nays: Blasdel, Fielder, Gross, Hinebauch, Hoven, Regier, Tempel, Vance, Welborn, Mr President.

Total 10

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

Vote totals include a change of vote from Yes to No by Senator Gross under Motions.

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

HB 166 - Senator Ellis moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 29

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 24 - Senator Cohenour moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator D. Brown moved the Committee of the Whole report be adopted. Report adopted as

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **HB 24**, **HB 192**, and **HB 290**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Brown moved to suspend the rules to allow **SJ 13**, which failed the transmittal deadline for general bills, to be brought out of committee. Following discussion, Senator Brown withdrew the motion.

Senator Gross moved to change her second-reading vote on **HB 164** from Yes to No. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 183 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 29

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel.

Total 20

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

SB 241 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 33

Nays: Bennett, Bogner, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance.

Total 16

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 99 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 155 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Esp.

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Total 1

Absent or not voting: None.

Total 0

HB 322 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 38

Nays: Barrett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Smith F.

Total 11

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 323 concurred in as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 27

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Webber.

Total 22

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

HB 382 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

HB 450 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **HB 558** be taken from the Agriculture, Livestock, and

SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 19, 2019

Irrigation Committee and re-referred to the Business, Labor, and Economic Affairs Committee.
Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 20, 2019, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate